

REMARKS:Claims 4 and 19

Claims 4 and 19 have been objected to due to informalities. Claims 4 and 19 have been amended in a manner believed to obviate the objection. Withdrawal of the objection is respectfully requested.

Because the amendments to claims 4 and 19 are not substantive but merely remedy informalities, it is believed that no further search or consideration is required.

Claims 1-3, 5-18, 4 and 19

Claims 1-3 and 5-18 have been rejected under 35 USC 103(a) as being unpatentable over Timmons (US Patent No. 6,735,586) in view of Borger et al. (US Patent Appl. Pub. No. 2002/0123334).

Claims 4 and 19 have been rejected under 35 USC 103(a) as being unpatentable over Timmons in view of Borger and in still further view of Young et al. (US Patent Appl. Pub. No. 2002/0130894).

The analysis of obviousness was set forth in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

First, there must be some *suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of the references. Second, there must be a *reasonable expectation of success*. Finally, the prior art reference or combined references must teach or suggest *all the claim limitations*. *The teaching*

or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991; emphasis added).

Applicants respectfully disagree with assertion that it would have been obvious to combine the teachings of Timmons and Borger to meet claims 1-3 and 5-18. Specifically, the combination proposed by the Examiner fails the third prong of the *Graham test*.

Regarding the third element of the *Graham test*, Applicants respectfully disagree that the references teach or suggest all claim limitations. Particularly, the claims require allowing the first habitat to send a request to a second habitat for desired information and access the second habitat for retrieving the requested information from the second habitat, the second habitat sending information matching the request directly to the first habitat. As indicated in the rejection, the Examiner concedes that Timmons fails to teach this feature.

Applicants contend that Borger fails to teach or suggest the limitation of allowing the first habitat to send a request to a second habitat for desired information and access the second habitat for retrieving the requested information from the second habitat, the second habitat sending information matching the request directly to the first habitat. Particularly, Borger fails to teach or suggest use of habitats at all. Rather, Borger's system merely retrieves content from a second server for inclusion in a requested web page. The example of retrieving data from a second server given throughout Borger is that of retrieving advertisements from an ad server. See, for example, Borger paragraphs 20 and 46. Such a second server is not the same as, nor does it suggest, a second habitat as claimed.

The law is well settled that a claim term will be given its broadest reasonable interpretation unless the applicant has provided a clear definition in the specification. In

other words, an applicant may be his own lexicographer. MPEP 2111. In the instant case, a "habitat" is defined on p. 26, lines 14-23 as a personalized information management system that gathers, stores and displays information of interest to the user. Neither Timmons nor Borger teach or suggest retrieving information from a second habitat as defined in the present specification. Nowhere does Borger suggest that the second ("ad") server contains a personalized information management system that gathers, stores and displays information of interest to a user, i.e., second habitat. Rather, Borger's second server is merely a content server as already disclosed in Timmons. Particularly, see Timmons col. 9, lines 23-34, where Timmons describes the process for delivering information to a client. As in Borger, Timmons' web page does not contain all of the content, but has a reference 602 that calls for content from a cluster of content servers. These content servers merely retrieve content from target websites. Borger's ad server appears to be akin to the content server of Timmons. And as conceded in the Office Action, Timmons does not disclose the second habitat limitation of the claims.

Likewise, Young fails to teach or suggest a second habitat, much less allowing the first habitat to send a request to a second habitat for desired information and access the second habitat for retrieving the requested information from the second habitat, the second habitat sending information matching the request directly to the first habitat.

Accordingly, the proposed combination of references fails to teach or disclose allowing the first habitat to send a request to a second habitat for desired information and access the second habitat for retrieving the requested information from the second habitat, the second habitat sending information matching the request directly to the first habitat, as required by claims 1, 10 and 19.

Reconsideration and allowance of claims 1, 10 and 19 is respectfully requested.

Claim 2 requires that the second habitat retrieves information from the first habitat. Again, none of the references disclose a second habitat. Further, even if the references were found to anticipate claim 1, they would not anticipate claim 2. The section relied on in Timmons, col. 9, lines 44-46, actually refers to allowing remote portal server 604-610 to access the same collection server 612 via the network. Note Timmons col. 9, lines 47-55, which discusses how the portal server can be anywhere in the world and yet retrieve information from remote collection servers 612. As noted in col. 9, lines 34-38, the main page creation (for presentation to the user) is separated from the collection and delivery of information. Thus, the portal servers, which forward the information to the user, do not contact each other, but rather only communicate with the content collection servers 612. Accordingly, the rejection of claim 2 is improper. Claim 11 contains similar limitations, and the same arguments apply. Reconsideration and allowance of claims 2 and 11 is respectfully requested.

Regarding claim 4, Young merely shows jumping to another web page upon selecting a hyperlink. This is very different than jumping to a habitat, as the term defined in the specification. Again, none of the reference teach communications between multiple habitats. Accordingly, claim 4 is believed to be allowable.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 2-9 depend from claim 1, and therefore incorporate the limitations of claim 1. By virtue of their dependence, claims 2-9 are also believed to be allowable over the art of record.

Claims 11-18 depend from claim 10, and therefore incorporate the limitations of claim 10. By virtue of their dependence, claims 11-18 are also believed to be allowable over the art of record.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. CLICP011).

Respectfully submitted,

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